



YOUTH COMMUNITY CORRECTIONS BUREAU STANDARD OPERATING PROCEDURES

Procedure No.: YCC 60-6	Subject: SEXUAL AND VIOLENT OFFENDER REGISTRATION	
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Applicable ACA Standards:	Revision Date: 01-09-06, 11-06-06, 11-23-07, 10-10-08, 08-17-09, 05-24-10	
Signature: /s/ Karen Duncan	Effective Date: 02-10-04	
Signature: /s/ Steve Gibson		

I. BUREAU DIRECTIVE:

Youth Community Corrections (YCC) Bureau employees will follow established procedures to enforce the various provisions of the Montana Code Annotated relative to the release, registration and notification requirements for sexual and violent offenders. Youth whose supervision falls under the authority of the Interstate Compact for Juveniles shall be registered as required under the provisions of their sending state or under the provisions of the receiving state, whichever shall provide the greater degree of public protection. This procedure will be reviewed annually and updated as needed.

II. DEFINITIONS:

AJCA - the Association of Juvenile Compact Administrators established as the governing body of the Interstate Compact for Juveniles (old compact) and charged with establishing operating rules and regulations that pertain to interstate compact management. (*please note the new rules took effect March 1, 2010 and AJCA will only govern non-compacting states.*).

Release (Parole) - the correction status change of a youth moving from any Department mandated facility/contractor to a less restrictive placement at which time supervision is assumed by the Youth Community Corrections Bureau. It does not mean release from one correctional facility to reside in another correctional facility.

Sexual Offense - (a) any violation of or attempt, solicitation, or conspiracy to commit a violation of [45-5-301](#) (Unlawful restraint) (if the victim is less than 18 years of age and the youth is not a parent of the victim), [45-5-302](#) (Kidnapping) (if the victim is less than 18 years of age and the youth is not a parent of the victim), or [45-5-303](#) (Aggravated kidnapping) (if the victim is less than 18 years of age and the youth is not a parent of the victim); [45-5-502](#) (3) (Sexual Assault) (if the victim is less than 16 years of age and the youth is 3 or more years older than the victim), [45-5-503](#) (Sexual Intercourse Without Consent), [45-5-504](#) (1) (Indecent Exposure) (if the victim is under 18 years of age and the youth is 18 years of age or older), [45-5-504](#) (2) (c) (Indecent Exposure, third or subsequent offense), [45-5-507](#) (Incest) (if the victim is under 18 years of age and the youth is 3 or more years older than the victim or if the victim is 12 years of age or younger and the youth is 18 years of age or older at the time of the offense), [45-5-601](#) (3) (Prostitution), [45-5-602](#) (3) (Promoting Prostitution), [45-5-603](#) (1) (b) or (2) (c) (Aggravated

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Promotion of Prostitution), or [45-5-625](#) (Sexual Abuse of Children); or (b) any violation of a law of another state, a tribal government, or the federal government that is reasonably equivalent to a violation listed in subsection (a) of this definition or for which the youth was required to register as a sexual youth after an adjudication or conviction.

Sexual or Violent Offender - a person who has been adjudicated for or convicted of a sexual or violent offense as defined in the Montana Code Annotated or a reasonably equivalent offense under federal law or the laws of another state.

Violent Offense - (a) any violation of or attempt, solicitation, or conspiracy to commit a violation of [45-5-102](#) (Deliberate Homicide), [45-5-103](#) (Mitigated Deliberate Homicide), [45-5-202](#) (Aggravated Assault), [45-5-206](#) (Partner or Family Member Assault) (third or subsequent offense), [45-5-210](#) (1) (b), (1) (c), or (1) (d) (Assault on a Peace Officer or Judicial Officer), [45-5-212](#) (Assault on a Minor), [45-5-213](#) (Assault with a Weapon), [45-5-302](#) (Kidnapping) (if the victim is not a minor), [45-5-303](#) (Aggravated Kidnapping) (if the victim is not a minor), [45-5-401](#) (Robbery), [45-6-103](#) (Arson), or [45-9-132](#) (Operation of Unlawful Clandestine Laboratory); or (b) any violation of a law of another state, a tribal government, or the federal government reasonably equivalent to a violation listed in subsection (a) of this definition.

III. PROCEDURES:

A. STEPS

RESPONSIBILITY:

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| <ol style="list-style-type: none"> 1. Unless the court orders an exception, when a youth has been adjudicated for a designated sexual offense after May 11, 2007 (there must be a court-ordered registration requirement for adjudications prior to this date and for adjudicated violent offenders), the Institution Superintendent or designee shall complete the Department of Justice Sexual/Violent Offender Registration form and Duty to Register Letter [YCC 60-6 (A)] no less than ten days prior to release of the youth. These forms are sent to the Department of Justice, the Sheriff's Office of the county in which the youth intends to reside if the youth will not live within the city limits, or the Chief of Police of the municipality the youth intends to reside in if the youth will live within the city limits, and to the supervising parole officer. On Interstate cases, three copies shall be provided to the Juvenile Interstate Office. | <p>Institutional Superintendent</p> |
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| 2. | Maintain current information on Sexual and Violent Offender Registration requirements in other states and territories. | ICJ Unit |
| 3. | Contact ICJ office for case specifics. Facilitate registration of clients under cooperative supervision in keeping with the more restrictive (Montana or other state) legal requirements for Sexual and Violent Offender Registration. | JPO |
| 4. | Law requires a tier level to be assigned upon commitment. If the court has not determined a tier level, the facility will consult with the Department of Justice prior to the youth's release from the youth correctional facility. | Institutional Designee |
| 5. | Remind the youth prior to or immediately upon arrival in the community, or release from a state correctional facility, or contracted secure care facility of their duty to register within three business days of address change (including the current address change), at the local law enforcement agency. Document this notification using YCC 60-6 (A), Duty to Register Letter . | JPO |
| 6. | For a youth designated under MCA 41-5-1513 and MCA 46-23-509 as a level 3 sexual offender, the department shall notify in writing the superintendent of the school district in which the youth is enrolled of the adjudication, any terms of parole, and the facts of the offense for which the youth was adjudicated (except the name of the victim) and provide a copy of the court's disposition order to the superintendent. | JPO |
| 7. | For youth being released directly from a state youth correctional facility to an Interstate placement, the Superintendent or Designee shall consult with the Deputy Juvenile | Institution Superintendent or Designee |

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Compact Administrator. If registration is required, follow process in III.A. 1.

8. Copies of the [Department of Justice Sexual/Violent Offender form](#) & [Duty to Register Letter \[YCC 60-6 \(A\)\]](#) must be retained in the field file. Copies of Interstate correspondence regarding registration, acceptance of supervision, and registration requirements as determined between Compact Administrators must be retained in the field file and in the Central Office Interstate file. JPO
9. If a youth changes residence/address, immediately notify the youth of their duty to register their change of address with local law enforcement within three business days. Use the [Duty to Register Letter \[YCC 60-6 \(A\)\]](#) for this notification. Contact local law enforcement, within three business days of change of address, to verify the youth has registered their change of address. JPO
10. Any change of residence/address or change in supervision status of an Interstate case involving a sexual or violent offender must be immediately reported in writing to the Juvenile Interstate Office. JPO

IV. CLOSING:

Questions concerning this procedure shall be addressed to the Youth Community Corrections Bureau Chief.

V. REFERENCES:

41-5-215, MCA	Youth Court and Department Records
41-5-1513, MCA	Disposition - Delinquent Youth - Restrictions
41-6-101, MCA	Enactment - Provisions - Articles I - XIII
41-6-102, MCA	Juvenile Compact Administrator
41-6-103, MCA	Supplementary Agreements
41-6-104, MCA	Financial Arrangements
41-6-105, MCA	Responsibilities of courts, state departments, agencies, and officers

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<u>41-6-106, MCA</u>	<u>Additional Procedures not Precluded</u>
<u>46-23-501, MCA</u>	<u>Registration of Sexual and Violent Offenders Short Title</u>
<u>46-23-502, MCA</u>	<u>Definitions</u>
<u>46-23-503, MCA</u>	<u>Release of Sexual or Violent Offender from Place of Confinement - Duties of Official in Charge</u>
<u>46-23-504, MCA</u>	<u>Persons Required to Register - Procedure</u>
<u>46-23-505, MCA</u>	<u>Notice of Change of Name or Residence or Student, Employment, or Transient Status - Duty to Inform - Forwarding of Information</u>
<u>46-23-506, MCA</u>	<u>Duration of Registration</u>
<u>46-23-507, MCA</u>	<u>Penalty</u>
<u>46-23-508, MCA</u>	<u>Dissemination of Information</u>
<u>53-1-201, MCA</u>	<u>Purpose of the Department of Corrections</u>
<u>53-1-203, MCA</u>	<u>Powers and Duties of the Department of Corrections</u>
<u>DOC 1.1.3</u>	<u>Organization and Responsibility</u>
<u>DOC 1.5.10</u>	<u>Registration of Sexual and Violent Offenders</u>

VI. ATTACHMENTS:

[YCC 60-6 \(A\) Duty to Register Letter](#)
[SVOR 2001 Form Guidelines / Department of Justice](#)
[SVOR Department of Justice Sexual/Violent Offender Registration Form](#)